

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) <b>51601</b>			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number <b>10/584,239</b>	Filed <b>June 26, 2006</b>			
	First Named Inventor <b>Hyun-Wook Cho et al.</b>				
	Art Unit <b>2452</b>	Examiner <b>Dohm Chankong</b>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%;"><tr><td style="width: 50%; vertical-align: top;"><input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  <input checked="" type="checkbox"/> attorney or agent of record. Registration number <b>38,991</b>  <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="width: 50%; vertical-align: top; text-align: center;"><hr/>Signature <b>Wonki K. Park</b> <hr/>Typed or printed name <b>(202) 659-9076</b> <hr/>Telephone number <b>November 23, 2011</b> <hr/>Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  <input checked="" type="checkbox"/> attorney or agent of record. Registration number <b>38,991</b>  <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<hr/> Signature <b>Wonki K. Park</b> <hr/> Typed or printed name <b>(202) 659-9076</b> <hr/> Telephone number <b>November 23, 2011</b> <hr/> Date
<input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  <input checked="" type="checkbox"/> attorney or agent of record. Registration number <b>38,991</b>  <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<hr/> Signature <b>Wonki K. Park</b> <hr/> Typed or printed name <b>(202) 659-9076</b> <hr/> Telephone number <b>November 23, 2011</b> <hr/> Date				
<input checked="" type="checkbox"/> *Total of <b>2</b> forms are submitted.					

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Confirmation No.: 3059
	:	
Hyun-Wook CHO et al.	:	Group Art Unit: 2452
	:	
Serial No.: 10/584,239	:	Examiner: Chankong Dhom
	:	
Filed: June 26, 2006	:	Customer No.: 01609
	:	
For: METHOD OF STORING AND	:	
REPRODUCING CONTENTS	:	

**MAIL STOP AF**

Honorable Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ARGUMENTS FOR CONSIDERATION FILED CONCURRENTLY WITH  
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

In response to the advisory action mailed on November 1, 2011 and the final office action mailed on July 25, 2011, Applicants submit the following arguments for consideration with the concurrently filed Pre-Appeal Brief Request for Review. A notice of appeal and a petition for extension of time are also submitted herewith.

**Remarks/Arguments** begin on page 2 of this paper.

## **REMARKS/ARGUMENTS**

### **I. Status of Claims**

Claims 1-19 are currently pending in the application, with claims 1, 9 and 13 being independent. This response addresses the rejections of the Examiner. Favorable reconsideration is respectfully requested.

### **II. Reply to Advisory Action dated November 1, 2011**

The Examiner inaccurately paraphrased Applicants' comments on page 2, item 11. The Examiner's queries were previously answered on pages 7-10 of Applicants' response to the final office action filed on October 24, 2011, to which the Examiner is directed to. It appears that the Examiner is not clear as to the following points of the claimed invention: (1) all terminals each have an unique terminal identification information; (2) contents downloaded from a server to a first terminal are stored "with terminal identification information of the first terminal"; (3) it is possible to transmit such contents from one terminal to another, such that "contents with terminal identification information of the first terminal" can be transmitted from the first terminal to a second terminal, and the second terminal compares its terminal identification information with that of the received "contents with terminal identification information of the first terminal" and if the terminal identification information are identical, the second terminal can reproduce the contents; (4) the Examiner stated: "Moreover...that if the terminal identification is identical, reproducing the contents by a second terminal "can **never** happen because the identification will never be identical...[Emphasis added]. In this regard, the Examiner has not considered a case in which the terminal identification information in the content from sending terminal matches that of receiving terminal, in which case, the content receiving terminal **confirms** that the content received from the content sending terminal **originated from the receiving terminal**, and thus the content receiving terminal is authorized to use the content.

### **III. Rejection of claims 1-4, 9 and 13-17 under 35 U.S.C. § 102(e) as allegedly being anticipated by US. Pub. No. 2004/0107368 (hereinafter, Colvin)**

#### Claim 1

The Examiner alleged that Colvin teaches a method of storing and reproducing contents, comprising connecting to a contents sever, downloading contents from the contents server, and storing the downloaded contents along with *terminal identification information of a first terminal by the first terminal*, and transmitting the contents with the terminal identification information to a second terminal by the first terminal. Applicants respectfully disagree.

In Colvin, before contents are downloaded to a first device, the user must supply personal registration information, such a user name, and email address. In addition, information may automatically be accessed from the first device to procure machine or device registration information, such as MAC address, hardware ID, and IP. (See 120 in Figure 2 of Colvin). The registration information, both personal and from the first device, is utilized by an authentication code generator to generate an authentication code (AC). The authentication code is then added to the content files that are stored in the first device. However, such authentication code is not unique, as explained above.

Claim 1 recites storing the downloaded contents along with terminal identification information of a first terminal. The terminal identification information is unique to each terminal (see page 3, first full paragraph of the present application, as filed) and does not require incorporation therein of personal information or other device registration information such as MAC address, hardware ID, and IP, as in Colvin. Incorporation of such personal information will not result in a unique authentication code, as explained above.

#### Claim 9

The Examiner alleged that Colvin teaches a method of storing contents in a terminal, comprising the steps of: connecting to a contents server and downloading contents; reading preliminarily stored terminal identification information; and storing the downloaded contents together with the read terminal identification information. Applicants respectfully disagree.

As noted above, the terminal identification information is unique to each terminal. Claim 9 recites connecting to a contents server and downloading contents, reading preliminarily stored terminal identification information, and storing the downloaded contents together with the read terminal identification information.

In contrast, in Colvin, before contents are downloaded to a first device, the user must supply personal registration information, such a user name, and email address. In addition, information may automatically be accessed from the first device to procure machine or device registration information, such as MAC address, hardware ID, and IP. (See 120 in Figure 2 of Colvin). The registration information, both personal and from the first device, is utilized by an authentication code generator to generate an authentication code (AC). The authentication code is then added to the content files that are stored in the first device. The authentication code of Colvin is not unique, and therefore, it is not equivalent to the claimed terminal identification information.

### Claim 13

The Examiner alleged that Colvin teaches a method of reproducing contents in a terminal, comprising the steps of checking *terminal identification information attached to stored contents, comparing the terminal identification information attached to the contents with terminal identification information of the terminal*, and reproducing the contents, wherein the terminal identification information is attached to the contents with terminal identification information of the terminal. Applicants respectfully disagree.

As noted above, the terminal identification information is unique to each terminal. In contrast, in Colvin, before contents are downloaded to a first device, the user must supply personal registration information, such a user name, and email address. In addition, information may automatically be accessed from the first device to procure machine or device registration information, such as MAC address, hardware ID, and IP. (See 120 in Figure 2 of Colvin). The registration information, both personal and from the first device, is utilized by an authentication code generator

to generate an authentication code (AC). The authentication code is then added to the content files that are stored in the first device. The authentication code of Colvin is not unique, and therefore, it is not equivalent to the claimed terminal identification information.

**IV. Rejection of claims 5-8, 10-12, 18 and 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Colvin in view of U.S. Pub. No. 2005/0004873, U.S. Pub. No. 2002/0016846 or U.S. Pub. No. 2003/0195851**

The Examiner acknowledged that Colvin does not disclose the elements specific to claims 5-8, 10-12, 18 and 19, and cited one of the secondary references above for the sole purpose of allegedly disclosing such elements. However, none of the secondary references cure the deficiencies of Colvin, with regard to independent claims 1, 9 and 13 from which claims 5-8, 10-12, 18 and 19 depend. Therefore, withdrawal of this rejection is requested.

**V. Conclusion**

It is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below. The Commissioner is authorized to charge any fees or credit any overpayments which may be incurred in connection with this paper to Deposit Account No. 18-2220.

Respectfully submitted,

Date: November 23, 2011

/Wonki Park/  
Wonki Park, Reg. No. 38,991

Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036-2680  
Main: (202) 659-9076  
Direct: (202) 530-4470